

**Federal Defenders
OF NEW YORK, INC.**

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By ECF and Hand Delivery

The Honorable Magistrate Andrew L. Carter
United States District Court
Eastern District of New York
225 Cadman Plaza
Brooklyn, New York 11201

RE: United States v. Franck Lebrun, M 11-018

Dear Judge Carter:

I write to waive preliminary hearing on the above captioned airplane assault case. Mr. Lebrun was arrested on 1/10/11, released on a \$10,000 recognizance bond on 1/11/11 and released by immigration on 1/16/11. A preliminary hearing was set for 1/24/11 at my request.

I am negotiating an expedited guilty plea with the government and seeking an information on a lesser charge. In order to delay indictment to aid negotiations Mr. Lebrun has explicitly agreed to waive a preliminary hearing. Accordingly, please enter a waiver. AUSA Canty consents to the waiver.

In addition I seek modification of Lebrun's bond. On 1/11/11 Lebrun was released on a \$10,000 recognizance bond. As a condition of the bond he waived presence at trial and sentence were he to be deported. Travel was restricted to New York City and Long Island and he was ordered to surrender his passport if it were returned.

Lebrun's passport has been returned. It is his only id. During the pendency of his case he is staying in a New York hotel. Perhaps because of his evident status as a Frenchman or the foreign credit cards he is almost always asked to show a photo i.d. when he uses his credit card. His only photo i.d. is his passport. I request that this Court modify Lebrun's bail to permit him to retain his passport.

Respectfully,



PETER KIRCHHEIMER, ESQ.
Attorney-in-Charge
(718) 330-1206

cc: AUSA Canty, Esq.
Pretrial Services

App. granted

1/24/11